

FIVE INDICTED IN PLOT TO SMUGGLE WAR MUNITIONS

Three Teutons and Two Americans Named in Conspiracy Charge.

X-RAY SHOWED RUBBER HIDDEN IN COTTON BALES

The use of British merchant ships to carry German munitions of war is charged in an indictment handed down yesterday afternoon by the Federal Grand Jury against a group of five persons, three of whom are citizens of Germany or Austria-Hungary. It is alleged that the German liner Carpathia carried 276 barrels of resin to Italy in January in which were concealed cylinders of rubber. Furthermore it is declared that plans were made to ship on the steamship Cretic bales of cotton waste also containing rubber, but that the use of the X-ray led to the discovery of the hidden commodity and the unfolding of the plot, now labeled as a conspiracy to defraud the United States by the use of false manifests.

The men accused are Harry Salomon, a lieutenant in the German army, now here on a furlough; Albert Salomon, an American citizen, both members of Salomon Bros. & Co., formerly of 99 Nassau street; Franz Rosenberg, an Austrian, who has a business in Hannover, Germany; Sigmund Karman of Budapest and Albert B. Newman of Brooklyn.

The shipment of the rubber by Rosenberg and Karman in the manner alleged is admitted by the two men through their counsel, Towne & Spelman of 115 Broadway, and their explanation is that they were aiming to circumvent the Allies and were not aware that they were violating any law.

The indictment charges that the five men were in conspiracy between November 1 and February 23 last. It says that Newman on January 4 signed a manifest shipping 276 barrels of resin to Italy on the Carpathia and swearing that the manifest contained a true account of the goods. It also accuses Karman of having appeared before Louis Fischer, a Commissioner of Deeds, and having signed the name of A. B. Newman to a paper to the effect that a shipment of 175 bales of cotton waste was being made to Fratelli Cabbella in Genoa and that the goods were to be re-exported.

Details of the alleged conspiracy were furnished yesterday by persons in the office of United States Attorney Sigmund Marshall and of his assistant, Roger B. Wood, who worked up the case.

How the Plot Started.

Harry Salomon, who has been in this country eight years, was in Germany last summer on his vacation when the war started. He was a reservist and immediately offered his services. He was assigned to drilling the enlisted men and was so occupied until the latter part of October. Cotton became scarce in Germany and Salomon thought he could be of more service to Germany by coming back to this country and arranging for the shipment of munitions. He accordingly got a furlough from the German War Office.

At the same time Salomon was also a great secret of rubber in Austria. He Rosenberg, who was a director in a rubber factory in Hannover, was asked by the Austrian Government to make purchases. Karman, who was an expert in the finer grades of rubber, was selected to come with him. It was to supervise the buying of the rubber, said Karman, "and to countercheck the checks." He was a German and you know Austrians. Well, they didn't trust me with the money and they didn't trust him, Rosenberg, with the money. They sent us both, each to watch the other."

Rosenberg and Karman got together in Hannover, where by some unexplained coincidence they met. Rosenberg had a draft for \$100,000 made by a Vienna bank on the National City Bank. The three men had a conference and Salomon left them, going by the way of Munich to Genoa, where he saw Fratelli Cabbella, the Italian agent of his firm. From there he started for this country.

Hired \$15 a Week Tailor.

Rosenberg and Karman, however, succeeded him to New York, shipping from Rotterdam. They presented to Albert Salomon a letter which they had received from Harry Salomon. Next they picked up Newman, who used to be a tailor at \$15 a week, and opened an office for him in 99 Nassau street and furnished him with stationery that announced him as an "import and export commission merchant." He is said to have received \$50 a week.

Straightaway, it is alleged, Albert Salomon went into the market for rubber. More than fifty tons were purchased by Rosenberg and Karman, it is said, and the next step was to hire a building out at Greenpoint, install a rubber processing apparatus and begin to pack away the stuff. Resin also was bought in large quantities. It was heated and poured into the shape of a depth of six inches. Then in the center was placed a cylinder of rubber containing from 10 to 150 pounds. Resin was filled around that and on top of it.

The first shipment was made on the Carpathia. The ship was scheduled for sailing, but when it was found there was no room for dockage and she went to Naples. There was much delay in unloading and finally the plot was discovered here, with the result that the shipment never reached its destination.

Packed Rubber in Cotton.

After the first ship sailed, however, resin was declared contraband of war. The alleged conspirators accordingly decided to pack the rubber in cotton bales, which, it was thought would not be shown by the X-ray.

They are reported to have hired a building in Pulaski street, Brooklyn, where the packing was done. About 250 pounds of cotton was put in with 25 pounds of resin. About 175 bales of this mixture were handed over for shipment on the Cretic. X-ray experts, not busy taking eleven pictures, but disarmed and taking except in the twelfth picture, where they detected shadows that aroused their suspicion and caused them to dig into the bales.

Newman, being tipped off, withdrew the cotton bales, but not until after the Federal authorities had made a thorough investigation.

The defendants will be brought into court this morning to plead.

Albert and Harry Salomon issued a statement in which they said, "We feel ourselves entirely blameless and are not conscious of having committed any crime whatever."

SPECIAL NOTICES.

WHEN YOUR FEET ACHE

From corns, bunions, sore or callous spots, blisters, new or tight shoes, Allen's Foot-Powder, the antiseptic powder to be shaken into the shoes, will give instant relief. It is the greatest comfort discovery of the age. Sold everywhere. 25c. Don't accept any substitute. For FREE sample address, Allen S. Olmsted, Le Roy, N. Y.

FIFTH BRITISH BATTLESHIP SUNK

Continued from First Page.

150 yards in front, which the brigade of Gen. Cox rushed, was occupied by our men.

The press bureau has also issued a narrative of the military operations on the Gallipoli peninsula from May 6 to 19 as follows:

"On May 6 after the arrival of fresh troops, including part of the territorial division, a general advance of the allied troops occurred under cover of the fire maintained by the allied fleet. On the night of May 5 and 6 a portion of the Australian and New Zealand army corps had been transferred from Kapa Tepe in order to take part in the attack. Very severe fighting occurred all day. At nightfall the whole allied line had been advanced 1,000 yards, but the left of the advance had been checked by a strong Turkish redoubt manned with machine guns. At dusk the French troops, obtaining the point, which was thoroughly fortified during the night to serve as a pivot for further operations, had advanced to the point of the French troops improving their positions while on the left the Nineteenth Division succeeded at sunset in driving the enemy back to the sea.

"The attack was resumed on May 8 and an advance was made in the face of a heavy fire. The French attacked the Turkish trenches with the bayonet and the whole line except the extreme left, advanced steadily.

"During the night the Turks attempted a counter attack, but were repulsed with heavy loss. During the day the British and Australian corps at Sari Bair, in spite of having sent heavy reinforcements to support the main attack, successfully resisted the attacks. The fighting during these three days was severe, but happily a large proportion of the British casualties are slight wounds. It is clearly demonstrated that the Turkish defenses are strongly constructed and their capture must be achieved by slow methods of trench warfare.

"The French throughout these operations fought with magnificent courage and dash and suffered a heavy loss. On May 9 the ground already gained was consolidated and at 04.45 o'clock in the evening an attack was brilliantly carried out by the Fifteenth and Sixteenth battalions and the Fourth Australian Infantry brigade, which carried with the bayonet three lines of trenches at Sari Bair and established themselves there. In the Turkish attacks launched at dawn of May 10 the Australians were forced back to their original trenches, but the machine gun corps, which was in readiness, opened fire on the enemy at dawn of May 11 and the execution done by it was terrible. Turks lay so thickly upon the ground as to form obstacles.

"On May 10, 11 and 12 reinforcements of French, British and Australian troops arrived. On the night of May 12 the corps of the Thirty-ninth Division, under the command of Major-General Sir John Marshall, took the attack on the enemy on the extreme right. Under cover of a demonstration of artillery the infantry and machine gun corps, which were supported along under precipitous steep cliffs and occupied a cleft in front of the allied line, where they dug themselves in. On the night of the 13th and 14th the allied line again further advanced to a position which the Indian brigade made secure.

"On May 17 the Twenty-ninth Division worked further and established itself in trenches 200 yards in advance of the Allies. A further advance was made on the night of May 18 by the French, supported by the Royal Naval Division.

CRUISER DRIVEN OFF.

Turkish Batteries Force Retirement in Dardanelles.

AMSTERDAM, May 27.—The following official statement was issued in Constantinople this evening:

"On the Dardanelles front at Arburnu and Sedd El-Bahr there has been weak artillery and rifle fire from both sides. As armored cruisers and battleships were positioned on the Bosphorus, our positions from Monte Bay, but was compelled to retire by the Anatolian batteries.

"A boat with soldiers and guns was despatched to-day from a cruiser to the port of Budrum and ordered to attempt to make a landing under protection of the cruiser's heavy armament. Five officers and sixteen men were killed and five were wounded by our fire. In a boat, which was captured, was a gun, eight rifles and a box of ammunition. Three of our soldiers and two inhabitants of the town were wounded.

"There is nothing of importance to report on the other front."

CHEERY DESPITE LOSS.

British Confidence of Dardanelles Victory—Turks Lack Ammunition.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, May 27.—The Times correspondent at Mudros, writing under date of May 26, says that notwithstanding the loss of the Triumph the feeling of the British fleet is buoyant and optimistic.

The recent crushing repulse of the Turkish fleet, the daily arrival of reinforcements of ships, guns and troops and the established fact that the enemy's short of heavy ammunition encourage the belief that victory is within reach.

"The enemy's scarcity of ammunition," he continues, "is becoming daily more evident. Their shrapnel and life support supplied by German contractors in the days of the Kaiser's fraternization with Abdul Hamid. This is now frequently used instead of the more effective projectile."

The Wanamaker

Fur Storage Vaults

offers storage for your furs and other winter garments under absolutely ideal conditions.

The vaults are on the premises. You have merely to telephone to Stuyvesant 4700, extension 136, and we will call at once for the garments.

Remodeling and Repairing

Are also a part of the service of the Wanamaker Fur Storage Vaults.

The most skillful workpeople are under the supervision of an expert furrier.

The charges for storage and for repairing and remodeling are moderate.

John Wanamaker

Broadway at Ninth, New York

LAW MAY FORCE REFUND OF \$20,000,000 AT ONCE

Mandates of Customs Court Must Go Into Effect in Thirty Days and Time for Appeal Is Short.

WASHINGTON, May 27.—Further complications are threatened as the result of yesterday's decision by the United States Court of Customs Appeals holding the 5 per cent. discount paragraph of the Underwood-Simmons tariff law.

The Government had expected to state off the refunding of the \$15,000,000 or \$20,000,000 in duties collected under the paragraph at least until a decision was rendered by the United States Supreme Court on appeal. However, certain questions have arisen in regard to this proposed appeal which may add to the embarrassments of the Treasury Department.

There is no appeal from ordinary decisions by the Customs Court. At the last session of Congress, however, a bill was passed as the direct result of the legal contests over the 5 per cent. paragraph providing in cases involving constitutional questions and the construction of treaties that either party may file with the Supreme Court of the United States within sixty days a petition for a writ of certiorari, providing either party has filed in the

Customs Court prior to the decision a certificate showing the probable necessity for a review.

Both parties to the present cases have filed such an affidavit with the Customs Court.

The point raised, however, is that the law creating the Customs Court provides that the mandate of the court shall go into effect within thirty days. It seems to be necessary, therefore, that an appeal by the Government should be filed within thirty days if relief is to be obtained before the court's mandate becomes effective.

Only three more decision days by the Supreme Court remain of the present term, June 1, 19 and 21. There seems to be some doubt whether the Government can obtain a writ from the Supreme Court within the thirty days.

Government officials are uncertain as to the relief that can be obtained under the circumstances. If the Government should be obliged to refund the \$20,000,000 without delay it would prove embarrassing for the Treasury Department, inasmuch as the cash balance of the fund is now only a little over \$13,000,000.

The belief here is that some means will be found of getting the matter before the Supreme Court at this time.

'NEUTRAL' FINDS LESS GERMAN CHAUVINISM

"Times" Correspondent Says Spirit of Theatre Audiences Is More Subdued.

SPECIAL CABLE DISPATCH TO THE SUN.

LONDON, May 28 (Friday).—The "neutral" correspondent of the Times today declares that he noticed in Berlin a great change in the theatre and the vaudeville houses compared to what they were at the outbreak of the war, when there was a tornado of passion behind the footlights as well as in the auditorium.

"Now," he says, "although the theatre is fuller than ever, the war has practically disappeared from the stage. The classics, including Shakespeare, are the most favored performances. Allusions to the war in vaudeville are so much reduced that they are scarcely noticeable. The writer sees in this change a manifestation of an altered public spirit, from noisy Chauvinism to subdued reticence, showing the popular appreciation of the grim earnestness of the struggle for national existence."

COALITION CABINET IN OFFICE.

Holds First Meeting After Being Sworn In.

LONDON, May 27.—A Privy Council was held this morning by King George V. at which the seals and warrants of office were handed to the new members of the Cabinet. The new coalition Cabinet held its first meeting later.

On May 10, 11 and 12 reinforcements of French, British and Australian troops arrived. On the night of May 12 the corps of the Thirty-ninth Division, under the command of Major-General Sir John Marshall, took the attack on the enemy on the extreme right. Under cover of a demonstration of artillery the infantry and machine gun corps, which were supported along under precipitous steep cliffs and occupied a cleft in front of the allied line, where they dug themselves in. On the night of the 13th and 14th the allied line again further advanced to a position which the Indian brigade made secure.

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LAST STUDEBAKER TO RETIRE.

At 83 Head of Big Corporation Will Now Take a Vacation.

CHICAGO, May 27.—John M. Studebaker, only survivor of the five brothers who founded the Studebaker Bros. Manufacturing Company, now the Studebaker Corporation, will give up active direction of the corporation's affairs in the immediate future, according to an announcement made today.

Mr. Studebaker is 83 years old. Nearly every business day has found him at his desk for many years. Frederick S. Fish, president of the company, is scheduled to succeed Mr. Studebaker as chairman of the board of the corporation. He is said to be enjoying excellent health and anxious to take a vacation.

MAY NOT OPPOSE FRANK PLEA.

Solicitor Will Be Guided by Attitude of Prison Board.

ATLANTA, May 27.—It all depends upon the attitude of the Prison Commission and the lawyers for the doomed man whether or not Solicitor Dorsey will combat the move to give Leo Frank life imprisonment. It is understood that if the prison board gives its reply to the Frank appeal thorough consideration and if the attorneys for Frank do not attempt to impugn the motives and efforts of the prosecution Dorsey will not actively oppose a commutation plea.

Among those who joined the widespread plea for commutation to-day were Judge Spencer R. Atkinson, former Justice of the Georgia Supreme Court and a member of the State Legislature, and Judge R. C. Kottz of Atlanta. Judge A. L. Miller, former Judge of the Supreme Court of Macon, has also written Gov. Slaton and the prison board.

WILSON IS ASKED TO REMOVE WALSH

Charges Against the Chairman of the Federal Commission Are Filed.

NO ACTION IS EXPECTED

WASHINGTON, May 27.—Charges were filed to-day with President Wilson against Frank P. Walsh, Kansas City chairman of the Federal Commission on Industrial Relations. Brainerd H. Warner of this city made the charges.

Mr. Warner charged that Chairman Walsh has been unfair in conducting the investigations and has disregarded the protests of other members of the commission. Mr. Warner demands that Chairman Walsh be removed by the President.

While the charges aroused considerable interest in and around Washington, Chairman Walsh did not reply to them. The President will not act upon the charges, it is understood in official circles. The investigations of the commission are practically at an end.

It is known that the President has not been pleased with the manner in which some of the witnesses have been treated by the chairman.

The commission expires by limitation of law next August. Its early dissolution is one of the reasons why the President will probably not give serious consideration to the suggestion on the removal of the head of the commission.

FREE SPEECH DENIED.

Federal Witness Says It Doesn't Exist in U. S.

WASHINGTON, May 27.—The hearings conducted by the Federal Commission on Industrial Relations ended late this afternoon.

The witness who contributed most to the day's entanglement was Theodore Schroeder, attorney for the Free Speech League of New York. This witness advanced some entirely new suggestions for social betterment.

He agreed for the most part with Big Bill Haywood as to the ultimate relief. He declared that while he boasted that the United States was the land of free speech we had a greater variety of penalties against free speech in Federal and State laws than any other country in the history of the world.

Mr. Schroeder advised the passage of laws requiring judges to refrain from quoting other judges' opinions in stating their decisions of cases and to adhere to the case before them. He would abolish all criminal libel laws.

Gives a Comparison.

As concrete examples of judicial injustice the witness compared the conviction of Tannenberg and his sentence to prison and fine with the penalty imposed in the sugar fraud cases. He estimated that the prison sentence of Tannenberg was longer than that of the sugar fraud convicts.

"What sentence would you have imposed in the case of Tannenberg?" Mr. Schroeder was asked.

"None," was the reply. He insisted that Tannenberg committed no offense except to apply to a church for work and for the privilege of sleeping in the church.

Mr. Harriman asked if it were not a fact that Tannenberg caused a disturbance inside the church. The witness replied there was a dispute as to the facts.

"What sentence would you have imposed on the sugar fraud men?" he was asked.

"I do not believe I would have imposed any," he replied. Mr. Schroeder intimated that the men higher up should answer for the crimes of the men convicted in the sugar fraud cases.

210 old Haverly were alive I might be in favor of penalizing him," he replied.

"You do not like the rich people, do you?" inquired Mrs. Harriman.

"I do not dislike them because they are rich," was the reply. "It depends on the way they got rich. I object to exploitation. If men get rich by exploiting the people I object to them. I do not see how they can get rich without exploitation."

"While you are a lawyer you do not practice for pay, but have a competency," suggested Mrs. Harriman.

"Yes, I am a parasite to the extent

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PRAISE FOR WALSH.

Unitarians Commend His Course Toward Rockefeller.

BOSTON, May 27.—Chairman Walsh of the Federal Commission on Industrial Relations was praised to-day for his "relentless investigation of the Rockefeller interests in the Colorado strike."

The Unitarian Fellowship of Social Justice, New York, offered this resolution, which was adopted:

"Resolved, That the Unitarian Fellowship of Social Justice sends its greeting to the Hon. Frank Walsh, chairman of the United States Industrial Commission, and rejoices in his wisdom and courage in pursuing a relentless investigation of the Rockefeller interests and the Colorado strike."

WINTRY WEATHER

NEAR END OF MAY

Temperature Drops to 41 and Ice Forms on Suburban Ponds.

Winter revisited this latitude yesterday morning, and folks who were up with the lark or who had been out on one found travelling in open trolleys much like riding in refrigerators.

The mercury dropped twenty degrees within a few hours and touched the unparalleled low latter May mark of 41 at 8 A. M. If the wind had not been boisterous frost would have slipped the beds in the suburban boroughs.

It was colder by several degrees on Jersey way and an Arctic correspondent in Newton discovered ice on a eighth of an inch thick on still water thereabout. Low temperature records were broken in the northern parts of this State and in New England early vegetation and the nearest approach to real vernal warmth was at 4 o'clock yesterday afternoon, when the temperature went up to 64. At midnight last night the temperature was 58, and the impression of the local prophets was that it would be warmer to-day. The Washington forecast calls for fair skies to-day, with moderate northwesterly winds.

Score of Ships Held in Hampton Roads by Gale.

NEWPORT, Va., May 27.—With a winter-like storm sweeping the coast a score of vessels are anchored in Hampton Roads awaiting favorable weather before proceeding to sea. Red signals warning mariners of the approach of a northeast gale are displayed all along the coast to-night from Fortress Monroe to Savannah. Gales are reported along the coast as far as Hatteras, with low temperatures. The temperature in this city has fallen 35 degrees in twenty-four hours.

A distinguished trio!

Saks Suits for Men

At \$17.50, \$20 and \$23

When you spend a dollar, spend it with colors flying, and spend it well!

If a man has only a hundred dollars to invest he is under no compulsion to put it in a gold mine that is full of promise and nothing else.

He can put it in any one of the biggest corporations in existence and have both the assurance and satisfaction of being in distinguished company.

Because you wear popular-priced clothes is no reason why you should patronize a shop which caters only to popular-priced needs and has no ideas or ideals beyond that.

You can patronize a shop like Saks', which makes clothes from \$17.50 to \$50, and in that way get the benefit of tailoring and style which is not restricted by a horizon of low prices.

No matter how little you spend, spend it in good company, and where you can be assured beyond peradventure that you are getting the fullest possible measure of satisfaction for your money.

At \$17.50, at \$20 and at \$23 we can show you a range of fabrics and colorings that is complete, a range of models from the regulation to the radical, and tailoring and style such as you cannot find in any other clothes at these prices—and that statement goes without revision, reservation, or the privilege of changing our plea!

Broadway

Saks & Company

at 34th Street

SUBMARINES UNFIT, DANIELS NOW ADMITS

Continued from First Page.

that all of the submarines which have been in trouble recently were designed before 1912. The newer boats, both bearing completion and about to be begun, are believed to be vast improvements upon the old model and it is thought that the greater part of previous weaknesses have been eliminated.

Secretary Daniels' statement was regarded here as a move to head off criticism which is to be directed at the Department because of the poor showing of the submarines in the war games.

After the testimony of Mr. Schroeder the commission heard Samuel Gompers, who reviewed the trial of himself and his associates in the American Federation of Labor for contempt.

Much of Mr. Gompers' statement was in reply to the testimony of Daniel Davenport and Carl Spelling as to the effect of the Clayton act on labor.

Mr. Gompers contended that such a prosecution as the Danbury hat case could not have been maintained without the aid of the Clayton act. He said that the Clayton act at the time Mr. Davenport had expressed a different view. Mr. Gompers quoted ex-Army-General Wheeler in support of his own views as to the meaning of the act.

The commission expires by limitation of law next August. Its early dissolution is one of the reasons why the President will probably not give serious consideration to the suggestion on the removal of the head of the commission.

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